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April 21, 2004

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GROUP: 1636

FAX NUMBER: 1-703-872-9306

ATTORNEY DOCKET NO.: RTS-0350

SERIAL NO.: 10/017,621

FILED: December 7, 2001

NUMBER OF PAGES: 9
(including this sheet)MESSAGE: Attached is Attached is an Amendment Transmittal Letter and
Reply to Restriction Requirement dated March 25, 2004.

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AMENDMENT TRANSMITTAL LETTER (Large Entity)			Docket No. RTS-0350		
Applicant(s): Frcier and Roach					
Serial No. 10/017,621	Filing Date December 7, 2001	Examiner James Schultz	Group Art Unit 1636		
Invention: Antisense Modulation of PCTAIRE Protein Kinase 1 Expression					
TO THE COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19 -	20 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ to cover the filing fee is enclosed.</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619</p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p>					
<p><i>Jane Massey Licata</i> _____ Signature</p>			<p>Dated: April 21, 2004</p>		
<p>Jane Massey Licata Reg. No. 32,257 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454</p>			<p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37C.F.R. 1.8 and is addressed to first for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>		
CC:			<p style="text-align: center;">Signature of Person Mailing Correspondence</p>		
			<p style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</p>		

P11-LARGE/REV06

AMENDMENT TRANSMITTAL LETTER (Large Entity)			Docket No. RTS-0350		
Applicant(s): Freier and Roach					
Serial No. 10/017,621	Filing Date December 7, 2001	Examiner James Schultz	Group Art Unit 1636		
Invention: Antisense Modulation of PCTAIRE Protein Kinase 1 Expression					
TO THE COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED.					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19	20	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2	3	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.18. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 40%;"> <p><i>Jane Massey Licata</i> _____ Signature</p> <p>Jane Massey Licata Reg. No. 32,257 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454</p> </div> <div style="width: 55%;"> <p>Dated: April 21, 2004</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p style="text-align: center;">_____ Signature of Person Mailing Correspondence</p> <p style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</p> </div> </div> </div>					

CC:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: RTS-0350
Inventors: Freier and Roach
Serial No.: 10/017,621
Filing Date: December 7, 2001
Examiner: James Schultz
Group Art Unit: 1636

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Title: Antisense Modulation of PCTAIRE Protein
Kinase 1 Expression

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I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.

On April 21, 2004

James Schultz
James Massey Licata Registration No. 32,257

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REPLY TO RESTRICTION REQUIREMENT

This reply is to the Restriction Requirement mailed
March 25, 2004, setting a one (1) month statutory period for
response.

Remarks begin on page 2 of this paper.

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REMARKS

Claims 1, 2, and 4-20 are pending in the instant application. The Examiner has acknowledged that the Preliminary Amendment (filed February 24, 2003) which canceled claim 3 and amended claim 1 such that claim 1 recites the target sequence is considered to be responsive to a restriction requirement as the amended claims recite only one sequence. However, the pending claims have been subjected to a further restriction under 35 U.S.C. §121 as follows:

Group I, claims 1, 2 and 4-14, drawn to compounds targeted to a nucleic acid molecule encoding PCTAIRE protein kinase-1 (SEQ ID NO:3), classified in class 536, subclass 24.5.

Group II, claims 15-18, drawn to methods of inhibiting the expression of PCTAIRE protein kinase-1, and to methods of treating an animal comprising the use of antisense compounds targeted to PCTAIRE protein kinase-1 (SEQ ID NO:3), classified in class 514, subclass 44.

Group III, claims 19 and 20, drawn to compounds targeted to PCTAIRE protein kinase-1 (SEQ ID NO:3) that inhibit the expression of variants of PCTAIRE protein kinase-1, classified in class 536, subclass 24.5.

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The Examiner suggests that Groups I and III are related to the invention of Group II as a product and process of use. It is suggested that the product antisense oligonucleotides can be used as probes for identifying the presence of specific mRNA transcripts in in situ hybridization assays, which does not involve administering antisense oligonucleotides to cells, tissues, or whole animals as present in Group II.

The Examiner further suggests that Groups I and III are not related as they are not disclosed as capable of use together and they have different modes of operation, different functions or different effects. It is suggested that claims 19 and 20 expressly state that the compounds therein differentially target variants of PCTAIRE protein kinase-1, in opposition to the compounds of claim 1 which recite compounds targeting native PCTAIRE protein kinase-1.

Applicants respectfully traverse this restriction requirement.

The criteria which must be met for a restriction requirement to be proper are set forth in MPEP §803 and include: (1) that the inventions be independent or distinct and (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two

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or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

Clearly, all three of the suggested groupings in this application contain claims with the same elements or technical features, namely, a compound targeted to a nucleic acid encoding PCTAIRE protein kinase 1 (SEQ ID NO:3). Furthermore, the claims identified in Groups II and III are dependent claims upon claim 1. Thus, by their very dependency they are related as a matter of both fact and law.

Further yet, there would be no additional search burden on the Examiner if the restriction is not made. Clearly any search performed to identify art relating to a compound targeted to a nucleic acid molecule encoding PCTAIRE protein kinase 1 (SEQ ID NO:3) which inhibits expression of PCTAIRE protein kinase 1 would also identify relevant art to any methods of inhibiting the expression of protein kinase 1 using compounds targeted to a nucleic acid molecule encoding PCTAIRE protein kinase 1 (SEQ ID NO:3).

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Accordingly, since the instant restriction requirement fails to meet either of the two criteria for proper restriction, withdrawal of the requirement is respectfully requested. It is therefore respectfully requested the pending claims 1-2 and 4-14 be allowed to remain in the instant application for prosecution.

However, in an earnest effort to be fully responsive in the event that the restriction requirement is not withdrawn, and to further facilitate prosecution, Applicants elect Group I, claims 1, 2 and 4-14, drawn to compounds targeted to a nucleic acid molecule encoding PCTAIRE protein kinase-1 (SEQ ID NO:3), with traverse.

Respectfully submitted,

Jane Massey Licata

Jane Massey Licata
Registration No. 32,257

Date: April 21, 2004

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